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Attorney at Law

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Attorneys for Plaintiff

Tania Garcia-Lopez

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TANIA GARCIA-LOPEZ

) Civil Action No.: 309-CV-2592RS

Plaintiff.

)

V.

)

MICHAEL YATES, et al.

) EMERGENCY MOTION FOR A
) CONTINUANCE

Defendant

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Hearing Date: July 15, 2010

) Hearing Date:
)) Time: 1:30 pm

) Time: 1.30 pm
)) Judge: Richard Seeborg

EMERGENCY MOTION FOR A CONTINUANCE

Plaintiff respectfully requests that the Court continue the hearing scheduled for July 15, 2010 at 1:30 p.m. The attorney handling this case is unable to be present at the hearing on Thursday as her daughter fell ill with the Chicken Pox on Monday, July 12, 2010 and she is the

1 only caretaker for the child at this time. The attorney handling this case is the only person
2 competent to present arguments on behalf of plaintiff. If it were not for this emergency,
3 Plaintiff's counsel would be ready and willing to be present.

4 Counsel left a voice message for Attorney, Jonathon Wasden with the Office of
5 Immigration Litigation, who was handling this matter on Monday, July 13, 2010 but did not hear
6 back from Mr. Wasden. On July 14, 2010, Counsel left Jonathon Wasden another voice message
7 and also emailed him regarding this emergency and our need for a continuance. Counsel received
8 an out of office auto reply from Jonathon Wasden indicating that as of July 9, 2010 he was no
9 longer with the Department of Justice and to contact Stacy Young for assistance. Counsel then
10 emailed Stacy Young regarding the emergency and need for a continuance. Ms. Young kindly
11 returned counsel's call but apologetically indicated that she would oppose a continuance as she
12 had already purchased airfare and had arranged a vacation. Ms. Young did try to accommodate
13 Plaintiff's Counsel by agreeing to a different hearing time on July 15th or a continuance to
14 Friday, July 16th, if agreeable with the Court's schedule, but neither of these options would
15 allow for Counsel to be present in court.

16 This motion is not being used for dilatory purposes. In light of the above, Plaintiff's
17 counsel prays that this honorable Court grant a continuance of this hearing on July 15, 2010.
18 Respectfully submitted this 13th day of July, 2010.

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21 /s/Elias Z. Shamieh
22 _____
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24 ELIAS Z. SHAMIEH
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26 Attorney for Plaintiff

ORDER

Pursuant to this Unopposed Motion to Dismiss Hearing and for the reasons stated therein, IT IS HEREBY ORDERED that the July 15, 2010 hearing be continued until July 29, 2010. @ 1:30 p.m.

IT IS SO ORDERED.

DATED: July 14, 2010.

A blue ink signature of the name "Richard Schaefer" in cursive script, written over two lines. The signature is fluid and personal, with a prominent 'R' at the beginning.

RICHARD SEEBORG

UNITED STATES DISTRICT COURT JUDGE